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SUBJECT: CENTRAL SULAWESI: "POSO 3" CLEMENCY APPEAL REJECTED  
- EXECUTION SENTENCE FOR MASS MURDER ON TRACK

REF: A) 01 Jakarta 244

B) 01 Jakarta 1288

¶1. (SBU) Summary: The executions of the so-called "Poso 3"--Fabianus Tibo, Dominggus da Silva and Martinus Riwu--in Central Sulawesi following their 2001 convictions for mass murder, torture and arson, could take place next week. "Procedural" reasons delayed the executions from their planned April 1 date. Two court appeals, including one to the Supreme Court, upheld the convictions; clemency requests have not prospered. While some local Christians protest the executions, few have claimed innocence for the three; supporters oppose the death penalty and argue that the three should remain alive to testify against 19 other alleged masterminds of the Central Sulawesi conflict, all Protestant. The executions do not appear likely to touch off violence, in part because most appear to agree on the men's guilt, but local leaders nonetheless have tried to develop strategies to reduce the chances of violence. End Summary.

Background  
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¶2. (SBU) The Palu District Court in 2001 found guilty Fabianus Tibo (60 years old from Flores), Dominggus da Silva (42 years old from Flores) and Martinus Riwu (48 years old from Kupang, West Timor) for a series of brutal murders between May 23 and June 30, 2000 in Poso, Central Sulawesi (Ref b). Tibo led the "Red Bats", a Christian militia group instrumental in the mass violence during the worst days of the Poso conflict (Da Silva and Riwa belonged to the "Red Bats".) While media reports also pointed a finger at a former civil servant, Advent Lindo Lateka, as the original financial backer and "brains" of the militia group (Lateka died during a clash in June 2000), Tibo reportedly got recruited to lead the group based on his reputation as "tough" due to a 1990 conviction for murder. Tibo does not deny involvement with the group or the conflict, but claims that 16 other "intellectual actors" (masterminds) encouraged him to get involved and should therefore also face trial.

¶3. (SBU) Following the 1999-2000 violence sparked by Muslim gangs, who burned hundred of homes, killing several Christians, police arrested several perpetrators. When a mob stormed the local jail, the detainees escaped. This sparked a new and vicious round of violence. Reftel B reported that a number of provocateurs, including Tibo, Da Silva and Riwu, led some 700 Red Bat recruits in several mass attacks on Muslim villages in and near Poso. As reported at the time, a mob led by Tibo, da Silva and Riwu,

surrounded a group of about 200 Muslim men who had taken shelter in a mosque at the Walisongo pesantren. According to an eyewitness who escaped, Tibo and his gang tied the victims' hands behind their backs and proceeded to hack them to death with machetes (ref B). While police initially reacted slowly, with the help of the military they managed to put together sufficient evidence to jail the three leaders -- Tibo, Da Silva, and Riwu. (Note: Many see Muslim outrage over the Walisongo massacre as prompting the arrival in Central Sulawesi of Muslim jihadist groups, including Laskar Jundullah, veterans of the conflict in the nearby Maluku Islands. End Note.)

#### Verdicts Upheld Up to the Top

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¶4. (SBU) During the course of the 2001 trial, 28 witnesses and other evidence linked Tibo, da Silva, and Riwu the deaths of some 300 people in a two-month period. Per Ref B, none of the men showed remorse during the trial; the defendants had grinned and clapped their hands on hearing the charges read before the court. The court convicted all three of mass murder, torture, and arson; the mass murder charge alone carries the death penalty in Indonesia. The three subsequently appealed to the Central Sulawesi High Court, which upheld the guilty verdicts later that year. Tibo, da Silva and Riwu subsequently appealed to the Indonesian Supreme Court, which in November 2002 upheld the lower courts' decisions.

¶5. (SBU) In November 2005, the three filed their first request for clemency, based partially on the claim, first broached during their 2002 appeal to the Central Sulawesi High Court, that at least 16 other men acted as the "real" masterminds of the Poso unrest. (Note: Tibo had named the

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16 during his trial and reports indicate they included local officials and former military officers. Da Silva later added 3 names to that list, including 2 priests, all of them Protestant. End Note.) The clemency request failed. Central Sulawesi Police Chief Oegroseno has reopened an investigation into the alleged 19 perpetrators--some of whom no longer live--but has stated that this will not delay the execution of Tibo, da Silva and Riwu. The three then submitted a second clemency plea; however, the Central Sulawesi Prosecutor's Office did not retreat from its position that the sentence of death would go forth, and noted that Indonesian law allows only one request for clemency.

#### Death Penalty Becomes the Issue

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¶6. (SBU) Our contacts say that until about six months ago when the planned date of the executions neared, the case drew little local attention. In part, this may reflect local commitment--both Christian and Muslim--to having perpetrators of violence during the conflict tried for their crimes and possibly part of a growing local reluctance to reopen the wounds of the conflict years. Our recent discussions with contacts in Central Sulawesi that few if any, be they Muslim, Catholic or Protestant, believe these men innocent. Even local Catholic leaders who have lead public efforts against the executions do not deny that the men's guilt; as the secretary to the Sulawesi Bishop told reporters several months ago, "[our resistance to their execution] does not mean that the Church defends and condones their actions."

¶7. (SBU) Local or national resistance to the executions appears based on anti-death penalty sentiment, and on a desire to preserve the men's testimony to develop possible cases against other perpetrators. From discussions with local contacts and review of the issue, we do not know of any evidence offered over the past four years to suggest

innocence for the three. Their request for clemency claims that other guilty parties exist who should face trial, and asked for delay in the execution so they can give evidence against 19 other individuals allegedly involved. On Sunday April 2, thousands of Christians in the city of Tentena held a mass prayer for Tibo, da Silva and Riwu and demanded abolishment of the death penalty. (Embassy note: On the same day some 200 hundred noisy protestors stood in Jakarta's Plaza Indonesia demanding the men's release.)

#### Slight Delay, But Government Prepared

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¶18. (SBU) "Technical difficulties" delayed the execution scheduled for April 1; however, the difficulties appear procedural, not waffling by the government. Our contacts in Central Sulawesi say the "technical" reasons refer to a requirement that a notification letter from the Attorney General go to the families no later than 72 hours prior to the execution. While officials have not publicly set a new date for the executions, they suggest it could take place within the next week.

¶19. (SBU) While a few local leaders have voiced concern that the executions could incite unrest, the recent public discussion of the executions in Central Sulawesi has not sparked violence; some local groups have held vigils or gatherings, but Poso city has remained calm. Local government figures appear committed to keep it that way. Central Sulawesi governor Paliudju met provincial leaders including Police Chief Oegroseno, Army and Naval commanders, and the head of the provincial legislature (DPRD) on Monday, April 3, to discuss the executions and develop strategies to contain any trouble afterwards.

#### Other Cases

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¶10. (SBU) Our contacts in Central Sulawesi and other observers tell us of their frustration at the slow pace of trials and convictions for those involved with sectarian and other violence in the province, and point to the lack of charges against Muslims responsible for the initial May - June 2000 violence or against members of the Laskar Jihad Islamic paramilitary groups which instigated violent incidents in 2001. They add, however, that the courts have

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handed down other convictions related to earlier Poso violence in addition to that of the Poso 3. In 1999, the court convicted Herman Parimo, a Protestant local legislator, for inciting the first wave riots and violence and sentenced him to 14 years in prison; Parimo died in April 2000 while appealing the verdict. District Chief Agfar Patanga, a Muslim, convicted in 2000 for inciting violence and received a sentence of 24 months. Protestant preacher Renaldy Damanik, known for his extremist and polarizing rhetoric and convicted in 2002 for weapons possession after police discovered weapons in his home, had portrayed himself as the leader of Poso's Protestant community. He left jail in late 2004, and has lobbied against the executions and "warned" of possible violence.

#### Comment

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¶11. (SBU) Nothing we have seen suggests that court falsely convicted these three individuals. Shortly after the May 2000 killings in Poso, Embassy Jakarta (and later, a senior U.S. official in the UN) issued a press statement condemning the perpetrators of the massacre (Ref B). The USG has consistently urged the Government of Indonesia to bring perpetrators of mass violence to justice through Indonesian courts and legal processes in accordance with Indonesian law, including holding perpetrators of both the Central Sulawesi and Maluku conflicts legally responsible for their

crimes. While we could criticize the lack of additional convictions for both the May-June 2000 violence and the August 2001 violence, the bottom line remains that we see no indication that the "Poso 3" did not commit the crimes.

PASCOE